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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-648*

12 **SUSAN LYNN CLEMENTS**
13 **879 Johnny Cash Drive**
14 **Corona, CA 91719**

A C C U S A T I O N

15 **Registered Nurse License No. 514017**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 8, 1995, the Board of Registered Nursing issued Registered
24 Nurse License Number 514017 to Susan Lynn Clements (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on October 31, 2014, unless renewed.
27
28

1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
6 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
7 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
8 Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license.

12 6. Section 2811(b) states:

13 Each such license not renewed in accordance with this section shall expire
14 but may within a period of eight years thereafter be reinstated upon payment of the
15 biennial renewal fee and penalty fee required by this chapter and upon submission
16 of such proof of the applicant's qualifications as may be required by the board,
17 except that during such eight-year period no examination shall be required as a
18 condition for the reinstatement of any such expired license which has lapsed solely
19 by reason of non-payment of the renewal fee. After the expiration of such eight-
20 year period the board may require as a condition of reinstatement that the applicant
21 pass such examination as it deems necessary to determine his present fitness to
22 resume the practice of professional nursing.

19 **STATUTORY PROVISIONS**

20 7. Section 2761 of the Code states:

21 The board may take disciplinary action against a certified or licensed nurse
22 or deny an application for a certificate or license for any of the following:

23 (a) Unprofessional conduct . . .

24

25 8. Section 2762 of the Code states:

26 In addition to other acts constituting unprofessional conduct within the
27 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
28 person licensed under this chapter to do any of the following:

. . . .

1 (b) Use any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
3 device as defined in Section 4022, or alcoholic beverages, to an extent or in a
4 manner dangerous or injurious to himself or herself, any other person, or the public
5 or to the extent that such use impairs his or her ability to conduct with safety to the
6 public the practice authorized by his or her license.

7

8 COST RECOVERY

9 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
14 included in a stipulated settlement.

15 DRUGS

16 10. Ativan, the brand name for Lorazepam, is a Schedule IV controlled substance
17 pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug
18 pursuant to Business and Professions Code section 4022. It belongs to a group of drugs called
19 benzodiazepines.

20 11. Hydrocodone, is a Schedule II controlled substance pursuant to Health and Safety
21 Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions
22 Code section 4022.

23 12. Hydromorphone, is a Schedule II controlled substance pursuant to Health and Safety
24 Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions
25 Code section 4022.

26 13. Lyrica, the brand name for pregabalin, a Schedule V controlled substance pursuant to
27 Health and Safety Code section 11058, subdivision (b), and a dangerous drug pursuant to
28 Business and Professions Code section 4022. It is used to control seizures, treat nerve pain and
fibromyalgia.

14. Thorazine, the brand name for Chlorpromazine, is a dangerous drug pursuant to
Business and Professions Code section 4022. Chlorpromazine is an anti-psychotic medication

1 used to treat psychotic disorders such as schizophrenia or manic-depression, and severe
2 behavioral problems.

3 FACTUAL ALLEGATIONS

4 15. Respondent was employed as a registered nurse at Corona Regional Medical Center
5 (CRMC) in Corona, California. During her employment at Corona Regional Medical Center,
6 Respondent received several written warnings about her job performance, including failure to
7 properly document patient care on November 1, 2008, yelling out a profanity at a patient on
8 February 26, 2009, failing to account for medication, Ativan, on January 27, 2010 and February
9 19, 2010, and inappropriate communication with patients on April 16, 2011.

10 16. Respondent was scheduled for duty on the night shift from October 29, 2011 to
11 October 30, 2011. During the course of her shift, Respondent's behavior changed showing signs
12 of impairment. Multiple staff members reported that Respondent was acting strange.
13 Respondent's behavior went from cooperative to defensive, abrupt, and then back to laughing and
14 talking. Respondent was seen by one staff member laughing and singing loudly at the nurses'
15 station. Respondent was unable to communicate to an oncoming nurse the care that she delivered
16 to a patient. Respondent's documentation was absent and/or confused. Respondent was unable
17 to give an accounting of why she removed Lyrica from the Pyxis under a patient who was not
18 assigned to her and could not remember who she gave the drug to. Respondent's writing became
19 altered throughout her shift and was indecipherable by the time she was relieved of duty. The
20 change in behavior was reported to Respondent's House Supervisor and the Director after a
21 patient complained that Respondent handed him a syringe containing Thorazine and told him that
22 he could "inject it himself" or "drink it" because she "didn't care." None of Respondent's
23 patients were prescribed Thorazine, the drug was not on formulary and was not present in the
24 facility.

25 17. At approximately 0405 hours on October 30, 2011, Respondent's supervisors found
26 Respondent sitting at the station with the phone to her ear, snoring and asleep. When Respondent
27 was awakened, she appeared confused and was unaware of where she was and what was going
28 on. As the Director was speaking to Respondent, Respondent fell asleep. Respondent's speech

1 was slurred and her eyes were bloodshot. Due to Respondent's behavior, Respondent was asked
2 to submit to drug testing. Respondent tested positive for hydromorphone and hydrocodone.
3 Respondent was terminated from her employment at CRMC on November 1, 2011.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Use of Controlled Substances in a Dangerous Manner)**

6 18. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)
7 and Code section 2762, subdivision (b), in that on October 30, 2011, while on duty as a registered
8 nurse, Respondent used controlled substances to an extent or in a manner that was dangerous to
9 herself and the public or to the extent that it impaired her ability to conduct with safety to the
10 public, the practice authorized by her license, as set forth in paragraphs 15 through 17, which are
11 incorporated herein by reference.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Use of Alcohol in a Manner Dangerous or Injurious to Self or Others)**

14 19. Respondent is subject to disciplinary action under Code sections 2761, subdivision (a)
15 and Code section 2762, subdivision (b), in that on August 15, 2009, she used alcohol to an extent
16 or in a manner that was dangerous to herself and the public, The circumstances are as follows:

17 20. On or about August 15, 2009, the Corona Police Department received a call from the
18 Corona Fire Department in reference to a DUI driver. The Corona Fire Engineer reported that a
19 grey Chevy Tahoe had almost collided into the side of Fire Engine #1. The Fire Engineer
20 reported that the vehicle was in the drive-thru of the Wendy's fast food restaurant located on
21 Magnolia Avenue in Corona.

22 21. An officer from the Corona Police Department responded to the call and upon arrival,
23 noticed that the vehicle matching the description given by the Fire Engineer was parked at an
24 angle, taking up two parking stalls in the parking lot at Wendy's. The officer observed the driver
25 exit the driver door with the keys to the vehicle in her hand, her purse and a Wendy's bag. The
26 driver was later identified as Respondent.

27 22. When the officer approached Respondent, he smelled a strong odor of an alcoholic
28 beverage emanating from Respondent's person and breath. He also observed that Respondent's

1 eyes were bloodshot, watery, and red. Respondent staggered and appeared very unsteady. The
2 officer asked Respondent what she was doing and she responded, "they forgot to give me my
3 fries." The officer administered field sobriety tests, which Respondent failed. The officer then
4 placed Respondent under arrest and transported her to the Corona Police Station for booking.
5 Another officer administered a breath test. Respondent's BAC registered at .32%.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 514017, issued to Susan
10 Lynn Clements;
11 2. Ordering Susan Lynn Clements to pay the Board of Registered Nursing the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;
14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: February 21, 2013

for Stacie Ben
17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant
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